

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE MATTER OF: BID PROTEST
ROOF REPLACEMENT-MEDICAL A

& B-WHITTEN CENTER
STATE PROJECT J16-9763-MP
STATE ROOFING COMPANY

vs.

SOUTH CAROLINA DEPARTMENT OF
DISABILITIES & SPECIAL NEEDS

BEFORE THE CHIEF PROCUREMENT
OFFICER FOR CONSTRUCTION

DECISION

POSTING DATE: April 15, 2002

This matter is before the Chief Procurement Officer for Construction (CPOC) pursuant to a request from State Roofing Company, Inc. (State) under the provisions of §11-35-4210 of the South Carolina Consolidated Procurement Code (Code), for an administrative review on Roofing Replacement-Medical A & B-Whitten Center (Project) for the South Carolina Department of Disabilities and Special Needs (DDSN). Pursuant to §11-35-4210(3) of the Code, the CPOC evaluated the issues for potential resolution by mutual agreement and determined that mediation was not appropriate. A formal hearing was held on March 14, 2002.

NATURE OF THE PROTEST

State submitted a bid for the Project. Upon evaluation, DDSN determined that State did not meet the statutory requirements for responsibility and accordingly rejected State's bid. State appealed DDSN's determination of non-responsibility to the Chief Procurement Officer. After presentation of the protestant's case in chief, the parties requested the opportunity to discuss a possible settlement. The hearing was recessed.

DECISION

The parties have concluded a mutually agreeable settlement to the issues presented by State Roofing. It is the decision of the Chief Procurement Officer for Construction that it is in the best interests of the parties and the State to accept the settlement agreement that is attached to and is hereby made a part of this decision. Accordingly, the protest of State Roofing Company is hereby withdrawn and dismissed with prejudice.

IT IS SO ORDERED



Michael M. Thomas
Chief Procurement Officer for Construction

April 15, 2002

Date

STATEMENT OF THE RIGHT TO APPEAL

The South Carolina Procurement Code, under Section 11-35-4230, subsection 6, states:

A decision under subsection (4) of this section shall be final and conclusive, unless fraudulent, or unless any person adversely affected requests a further administrative review by the Procurement Review Panel under Section 11-35-4410(1) within ten days of the posting of the decision in accordance with Section 11-35-4230(5). The request for review shall be directed to the appropriate chief procurement officer who shall forward the request to the Panel or to the Procurement Review Panel and shall be in writing setting forth the reasons why the person disagrees with the decision of the appropriate chief procurement officer. The person may also request a hearing before the Procurement Review Panel.

Additional information regarding the administrative review process is available on the internet at the following Web site: <http://www.state.sc.us/mmo/legal/lawmenu.htm>